REMARKS

In the Office Action dated October 18, 2005, claims 1-4, 6-28, 39-44, 46-53, and 55-58 were rejected under 35 U.S.C. § 102 over U.S. Patent Application Publication No. 2003/0005096 (Paul); and claims 5, 45, and 54 were rejected under § 103 over Paul.

It is respectfully submitted that independent claim 1 is not anticipated by Paul. Specifically, Paul fails to disclose an embedded OS based computer that is capable of listening to PXE requests from PXE enabled target servers. As depicted in Fig. 4 of Paul, a network 406 is coupled to various clients (402, 404), a DHCP server 410, a DHCP/PXE proxy server 408, a PXE proxy server 412, alternate boot servers (416, 418, 420, 422), and a central boot server 414. As described in ¶¶ [0070]-[0074] of Paul, cited by the Office Action, the central boot server 414 receives Boot Server Discover messages from clients for requesting an initial network bootstrap program (NBP) from the central boot server. This central boot server of Paul cannot be considered the embedded OS based computer of claim 1 that is capable of listening to PXE requests from PXE enabled target servers. In ¶ [0035], Paul lists a Unix operating system and a Microsoft Windows operating system as providing environments in which the purported invention of Paul is executable. However, nowhere in Paul is there any indication that its central boot server is an embedded OS based computer, as recited in claim 1.

As is well understood by persons of ordinary skill in the art, an embedded OS based computer is a computer that runs an embedded operating system. An embedded operating system is different from standard operating systems, in that an embedded operating system forsakes many functionalities that non-embedded operating systems provide. *See* Wikipedia Definition for "embedded operating system" (submitted with the Information Disclosure Statement dated February 17, 2005). The ordinary meaning of the term "embedded OS based computer" is consistent with the description of the Windows CE based computer 150 provided in the Specification at ¶¶ [0017] and [0018] of the present application. Therefore, since Paul fails to disclose an embedded OS based computer that is capable of performing the acts recited in claim 1, it is respectfully submitted that claim 1 is not anticipated by Paul.

Another defect of the rejection is that claim 1 recites providing from the embedded OS based computer to one of the plurality of PXE enabled target servers a netboot program *and*

address information of a boot server responsive to *a* (note singular sense) PXE request from the one of the PXE enabled target servers.

In contrast, in Paul, the client 502 sends a TFTP request message to the central boot server to request the initial NBP, and the central boot server 504 then responds with the initial NBP file. *See* Paul, ¶ [0072]. Next, the procedure described in Paul indicates that the initial NBP is executed to cause the client to send a TFTP request message to the central boot server to request a file containing a list of alternate boot server addresses. Paul, ¶ [0073]. In response to this request, the central boot server transfers the alternate boot server list file to the requesting client. *Id.*

As clearly described in Paul, two different requests are sent, one for the NBP file and the other for the list of alternate boot server addresses. Therefore, the procedure described in Paul cannot satisfy the recitation of claim 1 that indicates that the netboot program *and* address information of a boot server are provided responsive to *a* [note singular sense] PXE request from the one of the PXE enabled target servers.

Claim 1 is therefore not anticipated by Paul.

With respect to independent claim 22, Paul does not disclose an embedded operating system that is part of an embedded OS based computer. Therefore, claim 22 is also not anticipated by Paul. Also, as explained above, Paul fails to disclose providing a netboot program *and* address information of a boot server in response to *a* [note singular sense] PXE request from the one of the PXE enabled target servers.

With respect to independent claim 53, Paul fails to disclose an embedded operating system.

With respect to independent claim 47, Paul fails to disclose that a program *and* address information of a boot server is sent to a target server in response to *the* request [note singular sense] from the target server for remote booting of the target server. Also, Paul fails to disclose that the program (sent in response to the request) when executed causes the target server to issue a boot server request to the boot server for a boot image to download to the target server, where the boot image contains code to install at least one of an operating system and application software in the target server. As indicated by Paul, the network bootstrap program (NBP) is a *small initial bootstrap program file* (*see* Paul, ¶ [0090]) that contains "only enough logic to have

the client request and receive a list of alternate boot server addresses." *See* Paul, Abstract. Paul teaches that its bootstrap program is small to reduce workload on the central boot server. Paul, ¶ [0090]. Thus, the small initial bootstrap program of Paul does not cause the target server to issue a boot server request to the boot server for a boot image to download to the target server, where the boot image contains code to install at least one of an operating system and application software in the target server. The initial bootstrap program of Paul only causes downloading of a list of alternate target server addresses. Claim 47 is therefore not anticipated for this additional reason.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Moreover, with respect to claim 9, which depends from claim 1, Paul fails to disclose that its netboot program is capable of transferring a boot image from the boot server.

With respect to dependent claims 19-21, Paul fails to disclose displaying address information for the plurality of PXE enabled target servers, displaying a plurality of boot images for the plurality of PXE enabled target servers, or displaying PXE requests for the plurality of PXE enabled target servers, respectively. The Office Action cited ¶¶ [0076] and [0086] of Paul as disclosing these displaying acts. 10/18/2005 Office Action at 4. Paragraph [0076] refers to a series of actions between a client and alternate boot server in which the client is provided with a list of IP address of alternate boot servers. Paragraph [0086] of Paul describes the central boot server dynamically maintaining its list of alternate boot server addresses, where the order of the alternate boot server addresses on the list is updated and re-ordered by the central boot server daemon using an algorithm with various inputs. However, there is no indication whatsoever that the addresses of the alternate boot servers are displayed, as recited in claim 19. Moreover, neither of these passages even remotely suggests displaying a plurality of boot images for PXE enabled target servers, or displaying PXE requests for the plurality of PXE enabled target servers.

Similarly, with respect to dependent claim 46 (which depends from claim 22) and dependent claim 57 (which depends from claim 53), Paul fails to disclose a display to display address information for plural target servers.

Claims 5, 45, and 54 were rejected as being obvious over Paul alone. The obviousness rejection of these claims was premised on the taking of official notice by the Examiner that "the

concept and the advantages of Windows CE is old is well known in the art." 10/18/2005 Office Action at 6. Applicant respectfully traverses the taking of official notice in this context. There is no suggestion in Paul, or any knowledge generally available in the art, that the central boot server of Paul can be modified to include a Windows CE operating system. If a reference exists that suggests a modification of Paul to achieve the claimed subject matter, Applicant respectfully requests the production of such a reference, and the provision of rationale regarding why such secondary reference would have suggested the modification of Paul to achieve the claimed subject matter. Otherwise, a *prima facie* case of obviousness has clearly not been established with respect to claim 53.

In view of the foregoing, it is respectfully requested that all rejections have been overcome. Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200302041-1).

Respectfully submitted,

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Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
Telephone: (713) 468-8880
Facsimile: (713) 468-8883